IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 14TH DECEMBER 2007 / 23RD AGRAHAYANA 1929

Bail Appl..No. 7704 of 2007()

CMP.5760/2007 of J.M.F.C.,KASARAGOD
CRIME NO.39/07 OF BADIADKA EXCISE RANGE.

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PETITIONER/IST ACCUSED

BIMAL.B., S/O.BRAHMANANDAN,
KARUNAGAPPALLY, NEENDAKARA VILLAGE,
KOLLAM DISTRICT.

BY ADV. SRI.T.A.RAMADASAN
SRI.CIBI THOMAS

RESPONDENTS: COMPLAINANT/STATE

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1. EXCISE INSPECTOR,
BADIADKA EXCISE RANGE, KASARAGODE DISTRICT.

2. STATE, REP. BY PUBLIC PROSECUTOR,
HIGH COURT OF KERALA, ERNAKULAM.

BY PUBLIC PROSECUTOR SRI. S.U. NAZAR.

THIS BAIL APPLICATION HAVING COME UP FOR ADMISSION ON 14/12/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

R. BASANT, J.

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B.A.No. 7704 of 2007

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Dated this the 14th day of December, 2007

O R D E R

Application for regular bail. The petitioner faces allegations under the Kerala Abkari Act. He, along with the co-accused, was allegedly involved in the transportation of 3200 litres of spirit in a lorry, which had specially constructed contrivances to illicitly transport spirit. The petitioner was arrested on 7.11.2007 and he continues in custody from that date.

2. The learned counsel for the petitioner submits that the petitioner is innocent. He, who has been in custody from 7.11.2007, may now be enlarged on bail, prays the counsel.

3. The learned Prosecutor opposes the application. He submits that efforts are afoot to trace the higher links involved in the case. At the moment accused 1 and 2 have been arrested. Investigators need further time to complete the investigation. The petitioner may not be granted regular bail now, submits the learned Prosecutor.

4. In the wake of opposition by the Public Prosecutor regular bail can be granted to the petitioner only if this court is in a position to entertain both the satisfactions contemplated under Section 41A of the Kerala Abkari Act. In the facts and circumstances of this case, I am unable to entertain either of those satisfactions.

5. This application is, in these circumstance, dismissed. But I may hasten to observe that the petitioner shall be at liberty to move the court for bail again at a later stage of the investigation, not at any rate, prior to 28.12.2007. The Investigators shall, in the meantime, make every endeavour to complete the investigation.

(R. BASANT)
Judge

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